

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re : Case No. 10-24685 (RDD)
 :
JACK FUENTES and :
RAMONA FUENTES, : Chapter 7
 :
Debtors. :
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STIPULATION AND ORDER CONVERTING CASE FROM A CHAPTER 7 CASE
TO A CHAPTER 13 CASE

WHEREAS, Jack Fuentes and Ramona Fuentes (the "Debtors") the debtors in the above-captioned case, filed a voluntary petition (the "Petition") under Chapter 7 of the Bankruptcy Code, 11 U.S.C. § 101 et seq. (the "Bankruptcy Code") on December 27, 2010 (the "Filing Date");

WHEREAS, Jil Mazer-Marino (the "Trustee") was appointed interim trustee and thereafter became permanent trustee pursuant to § 702(d) of the Bankruptcy Code; and

WHEREAS, a review of the Petition and Schedules raised the concern of the United States Trustee that the Debtors had an ability to file a Chapter 13 plan; and

WHEREAS, the Debtors and the United States Trustee wish to settle all issues concerning the dismissal of the Debtors' case under § 707(b); and

NOW, IT IS HEREBY STIPULATED AND AGREED BY THE UNDERSIGNED PARTIES, that pursuant to 11 U.S.C. § 706(a), the above captioned case is voluntarily converted from a case under Chapter 7 to a case under Chapter 13 of the United States Bankruptcy Code; and

IT IS FURTHER STIPULATED AND AGREED BY THE UNDERSIGNED PARTIES, that in the event that this case is re-converted to a

Chapter 7 case, the Trustee and the United States Trustee shall be advised in writing within ten (10) days of such conversion, and shall have sixty (60) days from the date that they receive notice of the re-conversion to object to the discharge of the debtor under 11 U.S.C. Section 727(c) and/or file a motion under 11 U.S.C. Section 707(b).

Dated: Yonkers, New York
January 27, 2011

/s/ Jack Fuentes
Jack Fuentes
Debtor

Dated: Yonkers, New York
January 27, 2011

/s/ Ramona Fuentes
Ramona Fuentes
Debtor

Dated: Harrison, New York
January 27, 2011

H. Bruce Bronson, Jr.
H. Bruce Bronson, Jr.
Debtors' Attorney
600 Mamaroneck Avenue, Suite 400
Harrison, NY 10528-0023

Dated: New York, New York
January 28, 2011

TRACY HOPE DAVIS
UNITED STATES TRUSTEE

By: /s/ Andrew Velez-Rivera
Andrew Velez-Rivera
Trial Attorney
33 Whitehall Street, 21st Floor
New York, New York 10004
(212) 510-0500

SO ORDERED:

/s/Robert D. Drain
Robert D. Drain
United States Bankruptcy Judge

Dated: White Plains, New York
February 10, 2011

